

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
REGULAR MEETING  
OCTOBER 5, 2009**

**ATTENDANCE:** Evonne Klein, First Selectwoman; Linda A. Santarella,  
Callie Sullivan, Seth Morton, David Bayne

**ABSENT:** None

**STAFF:** Karl Kilduff, Administrative Officer

**CALL TO ORDER**

First Selectwoman Klein called the meeting to order at 8:00 p.m.

**PUBLIC COMMENT**

*Let it be noted that the following comments and remarks by all speakers have been summarized and are not necessarily verbatim.*

There was no one present from the public who wished to address the Board at this time.

**NEW BUSINESS**

**a) Discuss Representative Town Meeting of September 21, 2009.**

First Selectwoman Klein said that she had sent an email to the moderator last week letting her know that this item would be on the agenda so that Ms. Armour could forward this to the RTM members. First Selectwoman Klein said that Ms. Armour had not been able to send the email out to the member until earlier this evening. Ms. Santarella said that the discussion about inviting the RTM members to be present had been held last Thursday and that the invitation had been extended then.

First Selectwoman Klein said that one of the issues that happened at the last RTM meeting was the fact that the Board members did not have the opportunity to rebut statements made by Sam Schoonmaker. First Selectwoman Klein stated that she had asked for the opportunity to rebut inaccurate statements before the meeting, but the moderator assured First Selectwoman Klein that this would not be necessary.

First Selectwoman Klein said that Mr. Schoonmaker stated that there was no property in town that was involved in a 200 year lease. First Selectwoman Klein said that in fact, the Clock Hill Homes lease was for 99 years and renewable for another 99 years. She added

that for her, this was the most important misunderstanding because the lease was approved in 1993. First Selectwoman Klein said that this previous lease did set precedence. First Selectwoman Klein said that because the Board disagreed with the RTM does not mean that the Board does not respect the RTM's work.

Mr. Bayne pointed out that a 99 year lease was not unusual when the owner occupied units have 30 year mortgages. He added that if the unit was later sold by the original tenant, the incoming tenant would also have to have a 30 year lease. Clock Hill Homes had a similar financial arrangement. In various meetings about the project, the neighbors had indicated that they wanted the units to be owner occupied.

Mr. Bayne added that Mr. Schoonmaker had stated that there would be no appreciated value over the time period. He added that it would be important to look at the other municipal uses for the property.

Mr. Schoonmaker indicated that there would be other uses for the property, such as a Senior Center or a community center. Mr. Bayne then went on list the various reasons why these options would not be viable. These included traffic congestion, insufficient parking and lack of space for a gym.

Mr. Bayne then said if the Senior Center was moved to 35 Leroy, the town would then have to determine what to do with Edgerton. He then explained why affordable housing, luxury housing and other proposals would not be practical.

Mr. Bayne stated that Mr. Schoonmaker had accused the Board of fast tracking 35 Leroy Avenue, which Mr. Bayne felt was not accurate. The Town has owned the property for two years and this issue has been discussed extensively. He added that the RTM had not formed a committee about this issue. Mr. Bayne pointed out that the RTM could form a study committee at any time they wished to do so.

In July 2008, RTM asked why the Board was not holding a public hearing on the use of 35 Leroy. A hearing was then held at the end of July and many speakers came forward in support of plan. Another RTM suggestion was that the Board create a public master plan. This was also done. Later the RTM requested that the Board present their vision and analysis to the RTM, which was done in late September. This was titled a Municipal Use Analysis. There was a non-binding resolution by the RTM to have paid consultants come in and produce a best use study for the parcel. Mr. Bayne then listed the various resources that the Board of Selectmen used when the Municipal Use Analysis was done. Mr. Bayne asked whether paid consultants would have the background and knowledge that the Board and the Town staff already has.

Mr. Bayne said while Mr. Schoonmaker was entitled to his opinion, and felt that most of Mr. Schoonmaker's statements were opinion rather than fact.

First Selectwoman Klein said that Mr. Schoonmaker had brought up the issue of tax credits and she would like to state that the developer was not applying for tax credits for this project. First Selectwoman Klein said that one neighbor brought up the concern that if the Senior Center was moved from Edgerton, the site might be loaded up with a high intensity development.

First Selectwoman Klein went on to say that if a consultant was hired, the consultant would present a report and that the Board would be selecting the project, which was really a policy decision.

Ms. Sullivan said that she was working on drawing up an information sheet comparing Clock Hill Homes with the proposed project at 35 Leroy. First Selectwoman Klein said that much of that information was already compiled in the 1993 Board of Selectmen minutes and studies.

Ms. Santarella said that she was disappointed that the Board of Selectmen were not allowed to address the RTM at the meeting. She added that one statement had been made that the Board of Selectmen had always wanted affordable housing on that site. Ms. Santarella said that this was incorrect and that when the issue was being discussed by the RTM, she had wanted to focus on acquiring the land. Ms. Santarella said that the Board has listened, discussed and worked on this issue. She pointed out that the April 13th minutes for 2009 reflects many of the issues and points that Mr. Bayne had stated.

As far as luxury housing, Ms. Santarella said that the Board of Selectmen was not in the real estate business, but purchased the land for Town uses only.

Ms. Santarella said that she did not know what else the Board could discuss about this. She went on to explain that there was a vote that was a sense of the meeting vote at the RTM about including affordable housing in the resolution. She said that the Board has done the job that it said it would do regarding affordable housing. She said that she believed that the Board was transparent and open in this process.

Mr. Morton said that Mr. Schoonmaker was an attorney and that nothing in that presentation was carefully prepared in advance. The idea that the presentation that was given was balance was not in fact, true. Mr. Morton then said that Mr. Schoonmaker had spoke about returns on investments, and reminded everyone that the Town has an obligation to fulfill 8-30g requirements. Doing additional studies would incur additional costs to the Town while this study would be done. He then pointed out that there was 7.7. million spent regarding over intensification in certain neighborhoods. An additional 3.3 million was spent in Tokeneke on 8-30g. For attorneys and litigators, this is good, but not for the Town because this is money that the Town no longer has that funding.

A moratorium prevents the contractors from suing the Town while the moratorium is in place. Mr. Morton then listed the various benefits of the moratorium for the Town.

Mr. Morton went on to say that even if a study was done, the RTM would not necessarily agree with it. He pointed out that there was a large amount of money that had already been spent on this issue. He said that now that the Town has acquired the property, it was a straightforward decision. It would comply with the law and that it would be good for the town. Mr. Morton said that there had been a number of proposed amendments to 8-30g over the years, but the only amendment that succeeded was the amendment was for a moratorium. He ended by stating that finally the RTM would be making the final decision.

Ms. Santarella also stated that when the Procaccini property was up for sale, it was the Board of Finance that decided not to move the project to the RTM, not the Board of Selectmen.

Mr. Bayne pointed out that Darien had long history of finding reasons not to do something and that the Town was now dealing with the effects of having a 98% built out Town. He then pointed out that 8-30g was a dangerous law because a judge in New Britain could be making the final decision and force the Town to accept the decision.

First Selectwoman Klein said that there was some confusion about 8-30g and who could change the law. She said that it was not the mayors and first selectmen who make that decision, it is made in Hartford and that the towns have worked hard get amendments presented.

First Selectwoman Klein said that Ms. Santarella had brought up vision and that the Board had discussed their vision. First Selectwoman Klein said that she had been steadfast in wanting the property to be used for affordable housing because of her previous studies of affordable housing. She said that she was proud of the board for putting progress ahead of politics for this project.

Ms. Barbara Thorne came forward and said that she was a former Selectwoman, an RTM member and did not get an email from the RTM moderator. She went on to say that she was disappointed that the RTM Rules Committee did not allow the updated information to be presented. She then listed a number of questions such as whether it was a liability to the Town, whether there was a precedent, and whether there was a precedent for the RTM to form a committee to submit their input. She reminded everyone that the analysis and the discussions have been repeatedly held in public. She then quoted some of the comments from the Rules Committee meeting and suggested that it was time to move on.

Ms. Flora Smith came forward and said that she had a few questions and comments. Ms. Smith then said that she was not hearing anything reconciliatory in the comments. This

issue had been going on for a long time. She said that there was a new community planner on the staff and that people had thought the staff member could do the study. She said that from a risk management standpoint, it would be wrong to tie the property up for two or three years and then have the RTM turn down the project. She said that there was a precedent for hiring outside study. Ms. Smith said that the new library project had been moved forward to the Planning and Zoning by the Board of Selectmen, knowing that there would be insufficient parking. Ms. Santarella said that the final decision had been made by the Planning and Zoning Committee.

Ms. Smith said that the Rules Committee had set the agenda and there was nothing wrong with the moderator following the rules as she did. Ms. Smith said that the Rules Committee was meeting simultaneously.

First Selectwoman Klein said that she had spoken to the moderator about the Rules Committee and there was a need to have October meeting in order to move forward.

First Selectwoman Klein said that the town had hired a community planner and there was much discussion about this. She said that there had been discussion about having the Senior Center at the Leroy site. Andrea had written the Town Plan of Development and that a number of committees that had approved the Plan.

Ms. Santarella said that the parking at the library was a Planning and Zoning decision, but she had questioned it at the time because she was afraid that there would be not be enough parking and she was right.

Ms. Sullivan said that the Board had signed a lease and the MHA was looking for funding. If the RTM decides that affordable housing is not appropriate for 35 Leroy, then the RTM will be answerable to the voters. She said that the Board had done the best job possible and that the Town was moving forward. She said that she was not sure what conciliatory would look like, but the Board has done the best that they can.

Mr. Morton said that the Town Counsel was not at the Rules Committee and there was no way to appeal the decisions

Ms. Kristen Adams of Mansfield Avenue came forward and said that she had a statement for Tony, could not attend the meeting. She then pointed out that the BOS always allows the public to speak at the meeting. Not allowing the Selectmen to speak at the meeting was not something that was right or fair.

Mr. Bayne said that everyone was entitled to their opinions. He said that there should be only one set of facts that the opinions stem from.

### **Discuss Establishment of “Swap Shop” at the Transfer Station**

Mr. Kilduff reviewed the information that he had found and explained that the Board would make a decision on this. Ms. Santarella said that she would like to see the project to move forward. There was a brief discussion about the timeline. The Board concurred that this would Ms. Dot Kelly came forward and passed around a sample of the material and photographs of what the tent might look like in place.

### **Discuss Tax Agreement with Darien Housing Authority**

Atty. Fox came forward and greeted the Board. He said that there had been a draft Memo of Understanding that had been presented to the Board. Atty. Fox said that Statute 8-15 would affect this agreement. The appropriate process would be having an ordinance proposed and approved by the RTM for tax relief.

Ms. Sullivan asked about the previous arrangement with the Darien Housing Authority. Mr. Kilduff explained the situation and said that that there was always a battle in Hartford and how much the Pilot payments would be. Mr. Bayne asked what the process would be for the ordinance. Atty. Fox said that it would be the normal process. First Selectwoman Klein asked if this would be forwarded to the RTM for their October meeting. Atty. Fox said that he was gathering ordinances from other towns and would like to present the proposed ordinance to the Board at the next scheduled meeting.

Mr. Morton asked what the impact of this would be. First Selectwoman Klein said that she would get that information for the Board member.

Ms. Sullivan asked about the timeframe for the next application. First Selectwoman Klein reviewed the timeline for this type of project and what would be on the Board of Selectmen agenda for the coming months.

First Selectwoman Klein said that there had been four or five emails from residents opposing the tax rebate.

Ms. Jan Pierret of Fairfield Avenue came forward and said that the DHA was insisting that the Town not bear the cost. She then said that she did want her tax dollars to support a project that was not financial sound. She said that she would like it to be done correctly and with community support. She said that there was a petition against this, and this was a major concern for her. Developers often say that it is important to have community voices involved and this was not done. Stamford did this recently and the project has been a major success. She said that she felt there was no concern for her own neighborhood. Ms. Pierret said that she was a proponent for Allen O'Neill, but felt that there could be a better plan and that the neighbors should have a voice.

First Selectwoman Klein said that the emails that the Board members had received today were basically the same. She explained that the Planning and Zoning hearing would have been the platform for the public to speak. She added that there had been meeting with the neighbors for 35 Leroy, and that the people indicated they wanted to have it owner occupied. Ms. Pierret then replied that she felt that ownership would be preferable for the Allan O'Neill. Ms. Santarella said that she had made a comment on the record earlier about the over intensification for the site.

Mr. Mark Thorne came forward and said that he served on the Committee for the Allen O'Neill project and that there had been many accommodations for the neighbors.

#### **Discuss Possible Local Ordinance Creating a Tax Exemption for Certain Handicapped Vehicles –**

First Selectwoman Klein said that she was happy to do this. Mr. Kilduff said that the number of vehicles were small and that the ordinance was very similar to others. Mr. Bayne said that it was important that people know that the vehicle must be retrofitted for the disabled person, and it did not cover hang tags.

#### **Discuss Grant Funding Available Under a DPUC for Energy Reliability for Mission Critical Facilities–**

Mr. Kilduff gave a quick overview of the proposed grant for an emergency generator for the Town. He outlined a few problems with this grant, including the fact that the natural gas is not available universally in Darien. The Gas Company is not interested in extending the gas line to Town Hall or the Police Station. Therefore the Town would have to pay for this. The system is designed to run on natural gas. The only facility that is near enough to a gas line would be the Noroton Fire Department. Mr. Kilduff pointed out that the Fire Department would have to agree and that the Town budget presently does not have funding for this project. A brief discussion followed about the details of the project and whether it was financially feasible. Concerns about the noise that the generators would produce were also expressed.

Mr. Bob Baker came forward and said that this was a project that he felt would be at the bottom of the food chain for him. Mr. Kilduff said that there was a logic to the proposal, but it would not work well for Darien. The rest of the Board agreed with this.

#### **Discuss and Take Action on Acceptance of Report from Planning and Zoning Commission on Possible Lease of Town-owned Property in Accordance with CGS §8-24 to Add a New Wireless Provider to Ledge Road Cell Tower Lease.**

#### **\*\* MR. BAYNE MOVED TO APPROVE THE ACCEPTANCE OF REPORT FROM PLANNING AND ZONING COMMISSION ON POSSIBLE LEASE OF**

**TOWN-OWNED PROPERTY IN ACCORDANCE WITH CGS §8-24 TO ADD A  
NEW WIRELESS PROVIDER TO LEDGE ROAD CELL TOWER LEASE.**

**\*\* MR. MORTON SECONDED.**

Mr. Kilduff said that the final details of the proposal were still being worked out and that this would be presented to the Board at a later date. Mr. Kilduff explained that if a carrier disappeared due to merger or the company folds, the space on the tower becomes available for another carrier.

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**Discuss and take action Resolution Authorizing and Directing the First  
Selectwoman to Execute the Fourth Supplemental Agreement Between the State of  
Connecticut and Town of Darien for the Construction, Inspection and Maintenance  
Required in Conjunction with the Rehabilitation of Rings End Road Bridge.**

**\*\* MR. MORTON MOVED THE FOLLOWING RESOLUTION:**

**RESOLUTION AUTHORIZING AND DIRECTING THE FIRST  
SELECTWOMAN TO EXECUTE THE FOURTH SUPPLEMENTAL  
AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND TOWN OF  
DARIEN FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE  
REQUIRED IN CONJUNCTION WITH THE REHABILITATION OF RINGS  
END ROAD BRIDGE**

**WHEREAS, THE STATE OF CONNECTICUT AND THE TOWN OF DARIEN  
(THE PARTIES) EXECUTED AND ORIGINAL AGREEMENT DATED JANUARY  
24, 1997 WHICH PROVIDED FOR THE REHABILITATION OF THE RINGS  
END ROAD BRIDGE AND ROADWAY CONSTRUCTION RELATED TO THE  
BRIDGE APPROACHES; AND**

**WHEREAS, THE STATE OF CONNECTICUT AND THE TOWN OF DARIEN  
(THE PARTIES) HAVE AMENDED THE ORIGINAL AGREEMENT THREE  
PREVIOUS TIMES; AND**

**WHEREAS, THE PARTIES DESIGN TO AMEND THE ORIGINAL  
AGREEMENT AS SUPPLEMENTED TO REFLECT THE FINAL PRICES OF THE  
CONTRACT AND TO REFLECT CHANGES IN THE ADMINISTRATIVE AND  
STATUTORY REQUIREMENTS; AND**

**WHEREAS, SAID CHANGES INCLUDE AN ADJUSTMENT IN MAXIMUM  
AMOUNT OF REIMBURSEMENT TO THE TOWN OF DARIEN WHICH  
RESULTS IN ADDITIONAL FUNDING TO THE TOWN.**

**WHEREAS, THE BOARD OF SELECTMEN WISHES TO HAVE THE ORIGINAL AGREEMENT AMENDED.**

**NOW, THEREFORE, BE IT RESOLVED THAT EVONNE M. KLEIN, AS FIRST SELECTWOMAN OF THE TOWN OF DARIEN, IS AUTHORIZED AND DIRECTED TO EXECUTE THE FOURTH SUPPLEMENTAL AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE TOWN OF DARIEN FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE REQUIRED IN CONJUNCTION WITH THE REHABILITATION OF RINGS END ROAD BRIDGE (BRIDGE NO. 04992) OVER GORHAMS POND UTILIZING FEDERAL FUNDS AND A PROJECT GRANT UNDER THE STATE'S LOCAL BRIDGE PROGRAM.**

**\*\* MR. MORTON SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**Discuss and Take Action on Acceptance of Report from Planning and Zoning Commission on Possible Lease of Town-owned Property in Accordance with CGS § 8-24 to Add a New Wireless Provider to Ledge Road Cell Tower Lease.**

**\*\* MR. BAYNE MOVED TO ACCEPT THE REPORT FROM PLANNING AND ZONING COMMISSION ON POSSIBLE LEASE OF TOWN-OWNED PROPERTY IN ACCORDANCE WITH CGS § 8-24 TO ADD A NEW WIRELESS PROVIDER TO LEDGE ROAD CELL TOWER LEASE.**

**\*\* MR. MORTON SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**Resolution Authorizing The Expenditure of Funds for a Replacement Police Console and Recommendation to the Board of Finance.**

**\*\* MS. SANTARELLA MOVED THE FOLLOWING RESOLUTION:**

**RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR A REPLACEMENT POLICE CONSOLE AND RECOMMENDATION TO THE BOARD OF FINANCE.**

**WHEREAS, THE BOARD OF SELECTMEN DETERMINED IN OCTOBER 2008 TO HALT ALL MAJOR CAPITAL IMPROVEMENT PROJECTS TO REDUCE THE IMPACT OF CAPITAL SPENDING IN RESPONSE TO THE GENERAL ECONOMIC CONDITIONS; AND**

**WHEREAS, THE CAPITAL FACILITY NEEDS OF THE POLICE DEPARTMENT HAVE REMAINED DURING THE PERIOD OF HALTED PROJECTS; AND**

**WHEREAS, AS NECESSARY THE BOARD OF SELECTMEN HAS AUTHORIZED FUNDING TO SUPPORT THE ON-GOING CAPITAL FACILITY NEEDS OF THE POLICE DEPARTMENT UNDER THE PREMISES THAT SUCH FACILITY INVESTMENTS CAN BE TRANSFERRED TO THE NEW BUILDING WHEN THE PROJECT IS ALLOWED TO PROCEED; AND**

**WHEREAS, THE CURRENT COMMUNICATION CONSOLE FOR THE POLICE DEPARTMENT WILL NO LONGER BE SUPPORTED BY THE MANUFACTURER AS OF DECEMBER 2009; AND**

**WHEREAS, THE BOARD OF SELECTMEN WISHES TO PROVIDE SUFFICIENT FUNDING TO ADDRESS THE COMMUNICATION NEEDS OF THE POLICE DEPARTMENT.**

**NOW, THEREFORE, BE IT RESOLVED THAT, THE DARIEN BOARD OF SELECTMEN HEREBY AUTHORIZE UP TO \$250,000 IN FUNDING TO BE APPLIED TOWARDS THE CAPITAL FACILITY NEEDS OF THE POLICE DEPARTMENT TO REPLACE THE COMMUNICATION CONSOLE WHICH SHALL BE RE-INSTALLED IN THE NEW POLICE DEPARTMENT BUILDING WHEN SAID PROJECT IS AUTHORIZED TO PROCEED.**

**BE IT FURTHER RESOLVED THAT, THE BOARD OF SELECTMEN RECOMMENDS THAT THE BOARD OF FINANCE PROVIDE SUCH FUNDING BY INCORPORATING THIS COST INTO THE BOND ANTICIPATION NOTES THAT WILL BE ISSUED FOR THE FINANCING OF THE DARIEN HIGH SCHOOL.**

**\*\* MR. BAYNE SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**Discuss and Take Action on Outstanding Service Award.**

**\*\* MS. SULLIVAN MOVED TO APPROVE THE AWARDING OF THE OUTSTANDING SERVICE AWARD.**

First Selectwoman Klein said that there had been some great response from the department heads and the administration was open to suggestions. Ms. Elaine Kilbourn was suggested by Ms. Santarella, who commented that it was hard to chose from all the staff. Mr. Morton said that with the TV cameras recording the meetings, the public can

see how these staff members present themselves professionally. Ms. Kilbourn works part time for the Social Services department and part time for the Health Department. First Selectwoman Klein said that the award would be given at the employees' annual luncheon.

**\*\* MS. SANTARELLA SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

### **FIRST SELECTWOMAN'S REPORT**

First Selectwoman Klein reported that there have been meetings with the contractors about the Hollow Tree Road bridge and the Town has been told that the bridge would be open at the end of October. The reason for the delay has to do with the relocation of the utilities. She explained that the State was in charge of the project, not the Town.

The EMS Review Committee held meeting on 9/28 and they reviewed their charge.

Regarding the DEP public hearing process, the briefs will be filed at the end of the month. The process is an adjudication process. The neighbors decided to sue the town and the Board voted to go to adjudication. If the project is approved, the Board will be making a decision on the project.

### **ADMINISTRATIVE OFFICER'S REPORT**

Mr. Kilduff then reviewed his report with the Board and added details to the various items. He noted that the STEEP grant for the Depot is moving forward. A contractor has looked at the building and more details for the project.

Mr. Kilduff then distributed a map of the commuter parking lot and the information for the commuters to park further from the actual station and as a result pay less in fees.

### **AGENDA REVIEW**

Ms. Santarella said that it would be good to have all the Advisory Boards to come to report to the Board of Selectmen. She then read a portion of a letter to the editor about how the Board was ignoring the Advisory Boards. The advisory board needed to understand that they are advisory and that if there are issues, they need to communicate with the Board of Selectmen.

## **APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS**

### **REGULAR MEETING OF APRIL 13, 2009 REWRITE**

The following changes were noted:

Page 1, under **OTHERS** and throughout, please change: "Carole Wilder-Tamme" to "Carole Wilder-Tamm".

Page 1, under **OTHERS** and throughout, please change "John Van der Keef" to "John van der Kieft"

Page 3, paragraph 5, line 2, please change the following from: "Ms. Santarella then read a memo from Mr. Ginsberg" to "Ms. Santarella then read the Zoning Regulations from Mr. Ginsberg"

Page 5, paragraph 2, line 3, please change the following: "and on Heckler Avenue" to "and on Hecker Avenue"

Page 5, paragraph 5, line 4: please change the following from " and Alan O'Neil" to "and Allen O'Neill"

Page 7, paragraph 5, line 4: please change "RTM will ultimate have the vote" to "RTM will ultimately have the vote"

Page 8, paragraph 3, line 8, please change "earlier was Council and non-binding" to "was non binding."

Page 8, paragraph 4, line 3 and forward, please change "Clock Town Close" to "Clock Hill Homes"

Page 9, paragraph 2, line 1: please change "transit-orientated issues" to "transit-orientated development issues"

Page 9, paragraph 5, line 1: please change "mutual housing. The " To "Mutual Housing, the "

Page 10, paragraph 1, line 1: please change " through the options." To "through the option."

Page 10, paragraph 1, line 7: please change "interest in the land," to "interest in the land,"

Page 10, paragraph 3, line 1: please change

“Atty. Schmidt said that the terms of the option is two years and expires automatically. If they get the zoning approvals and the finances are in order but not closed, the applicant could get a third year to complete the closure.”

To “ Atty. Schmidt said that the term of the option is two years and expires automatically. If MHA gets the zoning approvals and the finances are in order but MHA has not exercised the option, the applicant could get a third year to complete the closure.”

Page 10, paragraph 4, line 2 : please change the following from: “This would be under the DDR zoning regulations and the density would be different.” to “This would be under the DDR and the density would be different.”

Page 11, paragraph 1, line 1: please change “Secondly, is the land use” to “Secondly, the other contingencies are the land use”

Page 11, paragraph 2, please omit the following line: “Normally, the assignment of a lease is a reasonable request, where as in a option, it is clear to both parties that assignment is not intended.”

Page 13, paragraph 3, line 10: please change “ stand up and saying” to “stand up and say”

Page 14, paragraph 3, line 13: please change “Proccini” to “Procaccini”

Page 16, paragraph 2, line 8: please change “to end 8-24g” to “to end 8-30g”

Page 18, paragraph 1, line 5: please change “Selectwoman Klein said at that meeting, but it was not his understand that the” to Selectwoman Klein said at the PZ&H meeting, but it was not his understanding that the”

Page 18, paragraph 2. line 2: please change “made to P,Z&H” to made to “PZ&H”

Page 20, paragraph 2, line 1: please change “Ms. Wood” to “Ms. Robin Woods”

Page 21, paragraph 2, line 1: please change “liaison to the Planning Committee” to “liaison to the PZ&H Committee”

Page 21, paragraph 3, line 5: please change “met with Tony Mickey who then with the various country clubs regarding the manner in which they were taxes.

The concern was that country clubs feel they should be taxes” to “met with Tony Homicki who then with the various country clubs regarding the manner in which they were taxed. The concern was that country clubs feel they should be taxed”

Page 22, paragraph 1, line 13: please change “been previously taxes” to “been previously taxed”

Page 25, in First Selectwoman’s Report: please change the following in point 4: “Ms. Dysenchuk and Ms. Wood.” To “Ms. Dysenchuk and Ms. Woods.”

**\*\* MS. SULLIVAN MOVED TO APPROVE THE MINUTES OF APRIL 13, 2009 AS CORRECTED.**

**\*\* MR. BAYNE SECONDED.**

**\*\* THE MOTION PASSED WITH THREE IN FAVOR (SANTARELLA, SULLIVAN AND BAYNE) AND ONE ABSTENTION (MORTON).**

### **REGULAR MEETING OF MAY 4, 2009**

The following corrections were noted:

Page 2, paragraph 2, line 1: please delete the following sentences “Ms. Sullivan asked if the annual cost was what everyone had earned. Ms. Buch explained that the annual required contribution, which is the cost, plus the liability.”

Page 4, paragraph 3, line 5 and throughout: please change “ARISA” to “ERISA”.

Page 4, paragraph 4, line 1: please change “Police Commissioner” to “Police Commission”

Page 4, paragraph 4, line 2: please change “Ms. Buch said he had not” to “Ms. Buch said they had not”

Page 5, paragraph 2, line 2: please change “that people could not default” to “that the Town could not default”

Page 6, paragraph 6, line 2: please omit the following: “Mr. Morton said that there seemed to be a fine line and a very narrow one between the independence of the Trust and the rest.”

Page 10, paragraph 2, line 5: please change “Peter Helman” to “Peter Hillman”

Page 11, paragraph 1, line 3: please change “She said that apparently there was a feeling

that once the application was submitted, a Plan B could be slipped in.” to “  
She said that apparently there was a feeling that once the application was  
submitted, a Plan B could be slipped in, which is not the case.”

Page 11, paragraph 4, line 12: please change “hands of the EPC.” To “hands of  
the DEP.”

Page 11, paragraph 6, please replace the following paragraph:

“Mr. Bayne said that he was concerned regarding the fast tracking of the project  
and what kind of message would the Town be sending to them when the  
application is amended sixty days after submission.”

To: Mr. Bayne said that he was concerned that the DEP wanted fast  
tracking of the project and what kind of message would the Town be  
sending if it seeks to amend the application sixty days after submission.”

Page 12, paragraph 5, line 4: please change “ send a mixed signal.” To “send a  
mixed signal to the DEP”

**\*\* MS. SANTARELLA MOVED TO APPROVE THE MINUTES OF MAY  
4, 2009 AS CORRECTED AND SUBJECT TO REVIEW BY MS. BUCH  
FOR ACCURACY.**

**\*\* MR. MORTON SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

### **REGULAR MEETING OF AUGUST 24, 2009**

The following corrections were noted:

Page 2, paragraph 1, line 1: please change “Mr. Chris Roland, West Avenue, as a  
member of SBI in Darien,” to “Mr. Chris Rowland, West Avenue, as a member of  
Save Darien Wetlands in Darien”

Page 2, paragraph 3, line 1: please change “Ms. Cheryl Wester came forward to  
write letters that have dams along the Stony Brook” to “Ms. Cheryl Russell came  
forward with letters from those that have dams along the Stony Brook”

Page 4, paragraph 1, line 2: please change “report was fabulous.” To “report was  
excellent.”

Page 4, paragraph 7, line 3: please change the following from: “Mr. Bayne

explained that subsequently, the State had reversed the standard.” To “Mr. Bayne explained that the Supreme Court announced the 8-30g appeals subsequently, after the 8-30g standard was amended.”

Page 4, paragraph 9, line 1, please change: “He said that on inclusion zoning” to “He said that on inclusionary zoning”

Page 7, paragraph 5, line 1: please change: “and into voucher spots” to “and into annual permit spots.”

Page 17, paragraph 2, line 1: please change “welcomed the Senior Center Coordinator.” to welcomed the new Senior Center Coordinator to Darien.”

**\*\* MR. MORTON MOVED TO APPROVE THE MINUTES OF AUGUST 24, 2009 AS CORRECTED.**

**\*\* MS. SULLIVAN SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**EXECUTIVE SESSION MEETING OF SEPTEMBER 1, 2009  
EXECUTIVE SESSION MEETING OF SEPTEMBER 14, 2009**

**\*\* MS. SANTARELLA MOVED TO APPROVE THE MINUTES OF THE EXECUTIVE SESSION MEETING OF SEPTEMBER 1, 2009 AND EXECUTIVE SESSION MEETING OF SEPTEMBER 14, 2009 AS SUBMITTED.**

**\*\* MR. MORTON SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

### **FORTHCOMING MEETINGS**

October 6, 2009	Planning and Zoning Planning Meeting at 8:00 p.m.
October 7, 2009	Joint Town Dept. Head Meeting at 8:30 a.m.
October 13, 2009	Board of Education Regular Meeting at 7:30 p.m.
October 13, 2009	Planning and Zoning General Meeting at 8:00 p.m.

### **ADJOURNMENT**

**\*\* MS. SANTARELLA MOVED TO ADJOURN.**

**\*\* MR. MORTON SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 10:40 p.m.

Respectfully submitted,  
Sharon L. Soltes  
Telesco Secretarial Services